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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,973	01/21/2004	Mark Galley		4061

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EXAMINER	
MIRZADEGAN, SAEED S	

ART UNIT	PAPER NUMBER
2144	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/761,973	GALLEY ET AL.	
	Examiner	Art Unit	
	Saeed S. Mirzadegan	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 May 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/16/2004, 03/23/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 04/16/2004 & 03/23/2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention

3. Claims 7, 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 7, b. recites the limitation "the user interface " page 17, line 4. There is insufficient antecedent basis for this limitation in the claim.

5. Insofar as best understood, the claims are rejected over prior art as follows. For the sake of applying the closest prior art below, the limitation “the user interface” is being interpreted as meaning “a user interface”. If the applicant agrees with this interpretation they are invited to amend the claims to positively recite, “a user interface”

or if the applicant disagrees, the applicant should present an alternate interpretation with clear arguments.

6. Claim 14, a. recites the limitation "the same network banners" page 17, line 28. There is insufficient antecedent basis for this limitation in the claim.

7. Insofar as best understood, the claims are rejected over prior art as follows. For the sake of applying the closest prior art below, the limitation "the same network banners" is being interpreted as meaning "a same network banners". If the applicant agrees with this interpretation they are invited to amend the claims to positively recite, "a same network banners" or if the applicant disagrees, the applicant should present an alternate interpretation with clear arguments.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 3-9, 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Schiff et al. (Schiff) US PG Pub. No. 2003/0158777.

10. Regarding Claim 1, Schiff discloses a process comprising:

a. providing via the internet (see e.g. ¶0024, page 2, lines 1-2 & Fig. 1A, WWW) to a computer an internet based publication (see e.g. Fig. 2B) in which is embedded a distinct network banner (see e.g. ¶0025, page 2, lines 1-4) which comprises a user interface (see e.g. ¶0076, page 4, lines 10-16) and executable coding enabling user data input and output (see e.g. ¶0044, page 2, lines 1-3 & page 3, lines 1-6);

b. said network banner (see e.g. ¶0025, page 2, lines 1-4) communicating via the internet (see e.g. ¶0024, page 2, lines 1-2 & Fig. 1A, WWW) with a synchronization server capable of receiving and sending data to multiple users who have such a network banner (see e.g. ¶0037, page 2, lines 1-4); and

c. said synchronization server (see e.g. ¶0025, page 2, lines 1-4) communicating via the internet (see e.g. ¶0024, page 2, lines 1-2 & Fig. 1A, WWW) with the same executable coding provided to a second, distinct computer (see e.g. Fig. 1A., U1-Un).

11. Regarding Claim 3, Schiff discloses, the network banner is coded in Flash (see e.g. ¶0151, page 10, lines 1-7).

12. Regarding Claim 4, Schiff discloses, said synchronization server providing data provided by the first network banner to a network banner on a third, distinct computer (see e.g. ¶0038-¶0041, page 2).

13. Regarding Claim 5, Schiff discloses, each network banner is assigned a unique identification by the synchronization serve (see e.g. ¶0083, page 4, lines 1-3 & ¶0087, page 5, lines 1-4).

14. Regarding Claim 6, Schiff discloses, an additional step of the synchronization matching computers on which the network banners have been loaded (see e.g. ¶0093, page 5, lines 11-15).

15. Regarding Claim 7, Schiff discloses, a network banner residing within a web page (see e.g. Fig. 2B) comprising:

a. a banner user interface embedded in, but distinct from the web page user interface (see e.g. Fig. 2B); and

b. the user interface (see e.g. ¶0076, page 4, lines 10-16) containing executable software which enables the user to send and receive data from a synchronization server (see e.g. ¶0044, page 2, lines 1-3 & page 3, lines 1-6).

16. Regarding Claim 8, Schiff discloses, the network banner is coded in Flash (see e.g. ¶0151, page 10, lines 1-7).

17. Regarding Claim 9, Schiff discloses, the network banner is embedded within a distributed application (see e.g. ¶0126, page 8, lines 1-4).

18. Regarding Claim 11, Schiff discloses, the network banner is assigned a unique identification by the synchronization serve (see e.g. ¶0083, page 4, lines 1-3 & ¶0087, page 5, lines 1-4).

19. Regarding Claim 12, Schiff discloses, a network banner matched with another network banner by the synchronization server (see e.g. ¶0093, page 5, lines 11-15).

20. Regarding Claim 13, Schiff discloses, a second network banner embedded in another web page capable of sending and receiving data from the synchronization server (see e.g. ¶0038-¶0041, page 2 & ¶0079, pager 4, lines 3-5, multiple providers have multiple servers thus multiple banners on multiple web pages).

21. Regarding Claim 14, Schiff discloses:

a. the same network banners (see e.g. ¶0025, page 2, lines 1-4) loaded onto two or more different computers (see e.g. Fig. 1A., U1-Un) which computers are connected to the internet (see e.g. ¶0024, page 2, lines 1-2 & Fig. 1A, WWW) wherein the network banners (see e.g. ¶0025, page 2, lines 1-4) are embedded within, but distinct from web pages (see e.g. Fig. 2B) distinct from the banners; and

b. a synchronization server (see e.g. ¶0071, page 4, lines 1-3 & Fig. 1B, RMCS) connected to the internet (see e.g. ¶0024, page 2, lines 1-2 & Fig. 1A, WWW) capable of sending and receiving date from the network banners (see e.g. ¶0025, page 2, lines 1-4).

22. Regarding Claim 15, Schiff discloses, each network banner is assigned a unique identification (see e.g. ¶0083, page 4, lines 1-3 & ¶0087, page 5, lines 1-4).

23. Regarding Claim 16, Schiff discloses, the data among the network banners is synchronized by the synchronization server (see e.g. ¶0037-¶0041, page 2).

24. Regarding Claim 17, Schiff discloses, the network banners are encoded in Flash (see e.g. ¶0151, page 10, lines 1-7).

25. Regarding Claim 18, Schiff discloses, data entered through a network banner on one computer is transmitted via the synchronization server to a second network banner on a second computer (see e.g. ¶0037-¶0041, page 2).

26. Regarding Claim 19, Schiff discloses, therein are multiple synchronization servers (see e.g. ¶0079, page 4, lines 3-5, multiple providers each having its own server).

27. Regarding Claim 20, Schiff discloses, three or more network banners are matched together by the synchronization server.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

29. Claims 2, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al. (Schiff) in view of Blair Et al. (Blair) US PG Pub. No. 2001/0049721 as applied to Claims 1, 7 above.

30. Regarding Claim 2 Schiff discloses the invention substantially as claimed. However, Schiff does not explicitly teach: synchronization server is configured to maintain multiple persistent connections.

31. In the same field of endeavor, Blair teaches (¶0011, Page 1 & ¶0057, page 3, server providing multiple persistent connections).

32. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Blair's teachings as discussed above with the teachings of Schiff, for the purpose of (see Blair, ¶0010). Schiff provides motivation to do so, by providing individual communication methods and systems for permitting off-line as well as on-line communication between surfers, using their web browsers, without the need to employ additional systems, such as e-mail applications (see Schiff, ¶0010, lines 1-5).

33. Regarding Claim 10 Schiff discloses the invention substantially as claimed. However, Schiff does not explicitly teach: a multi-player game.

34. In the same field of endeavor, Blair teaches (see e.g. ¶0139, page 10, lines 5-13 multi player game).

35. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Blair's teachings as discussed above with the teachings of Schiff, for the purpose of (see Blair, ¶0010). Schiff provides motivation to do so, by providing individual communication methods and systems for permitting off-line as well as on-line communication between surfers, using their web browsers, without the need to employ additional systems, such as e-mail applications (see Schiff, ¶0010, lines 1-5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed S. Mirzadegan whose telephone number is 571-270-3044. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ssm

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